IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 24191 of 1995

Between:

1 K.V.Reddy S/o. Pichi Reddy
R/o. Ongole Prakasam Dist.
2 A.Hanumantha Rao S/o. Venkat Subba Rao
R/o. Ongole Prakasam Dist.

..... PETITIONERS

AND

1 The Vice-Chiarman & M.D., APSRTC
Musheerabad Hyderabad
2 The Regional Manager APSRTC, Ongle Region
Ongole Prakasam Dist.
3 The Depot Manager APSRTC, Bus Depot
Ongole Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To declare the action of the respondents in denying the special grade scale on the ground of loss of seniority in the cadre of conductor and Booking-Clerk respectfully as arbitrary and illegal by way of issue of a writ of Mandamus or any other appropriate writ or order as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.G.S.S.SIVA KESAVA

Counsel for the Respondent Nos.1 to 3: MR.P.GANGA RAMI REDDY

The Court made the following:

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ORDER:

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The 1st petitioner was appointed as a Conductor on 03.02.1982 and the 2nd petitioner was appointed as a Booking Clerk in the respondents Corporation on 09.06.1978. The petitioners' contention is that the 1st petitioner completed 12 years of services as a Conductor as on 03.02.1994, and 2nd petitioner completed 12 years of service as a Booking Clerk as on 09.06.1990. The petitioners further contended that as per the Circular No.PD-40/89-90, dated 24.04.1989, which was amended vide Circular No.PD-65/1989, dated 03.05.1989, and as per the judgment of the Division Bench of this Court in Writ Appeal No.1301 of 2000, dated 12.10.2002, the employees of the Corporation, who have completed 12 years of continuous service, are entitled for stagnation increments irrespective of the fact that they have completed 12 years of service in one or more regions, and hence they claim that they are entitled for stagnation increments.

2. The grievance of the petitioners is that though the respondents promoted several juniors to the petitioners, they did not promote the petitioners, or did not confer them any Special Grade.

3. The 1st petitioner made a representation to the respondents for the release of stagnation increments, but that was rejected by the respondents on 05.08.195, and the request of the 2nd petitioner, in this aspect, was orally rejected. The petitioners, therefore, approached this Court through this writ petition, seeking to declare that the action of the respondents in denying the Special Grade Scale, as illegal, arbitrary and violative under Articles 14 and 16 of the Constitution of India.

4. In view of the circumstances, explained by the petitioners, and in view of the Judgment of the Division Bench of this Court in Writ Appeal No.1301 of 2000, dated 12.10.2002, the respondents are directed to release the stagnation increments to the petitioners from the date of their eligibility as per Circular No.PD-65/1989, dated 03.05.1989, after computing the service of 12 years from the date of their initial appointment, and pass orders within a period of two months from the date of receipt

of a copy of this order.

5. The Writ Petition is, accordingly, allowed. No order as to costs.

NOTE:

Issue CC by 23.08.2004

B/o.

Dsr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the

Thursday, Ninteenth day of August, Two thousand and four.

ASSISTANT REGISTRAR

// **TRUE COPY** //

SECTION OFFICEFR

To:

1. The Vice-Chairman & Managing Director,

APSRTC, Mushirabad, Hyderabad

2. The Regional Manager,

APSRTC, Ongole Region,

Ongole, Prakasam District

3. The Depot Manager,

APSRTC Bus Depot,

Ongole, PrakashamDistrict

4. Two CD copies.